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Report of the Secretary-General on children and armed conflict in Colombia

Summary

The present report has been prepared in accordance with the provisions of resolution 1612 (2005). It is presented to the Security Council and its Working Group on Children and Armed Conflict as the first country report for Colombia from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution, which was formally established in Colombia in December 2008.

The report, which covers the period from January to December 2008 provides information on grave violations against children, such as killing and maiming, the recruitment and use of children in armed forces and groups, abduction of children, sexual violence against children, attacks on schools and hospitals, and denial of humanitarian access to children. The report stresses the priority of combating impunity for such grave violations. It also acknowledges the significant efforts and progress made by the Government of Colombia in the protection of children in this context.

The report contains a series of recommendations with a view to securing strengthened actions for the protection of children affected by armed conflict in Colombia.

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I. Introduction

1. Colombia is not on the country-specific agenda of the Security Council. However, in December 2008, the Government of Colombia voluntarily accepted the process relating to the implementation of Security Council resolution 1612 (2005), which includes the establishment of a United Nations-led monitoring and reporting mechanism. Pursuant to that decision, the country task force on monitoring and reporting was formalized in January 2009. In the preparation of the present report, consultations were undertaken with the Government of Colombia, in line with the terms of reference of the country task force on monitoring and reporting that were adopted in the framework of Security Council resolution 1612 (2005).

2. In accordance with Security Council resolution 1612 (2005), the present report does not seek to make any legal determination as to whether the situation in Colombia is or is not an armed conflict within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in the situation.

II. Overview of political, military and social developments

3. Colombia is one of the long-standing democracies in Latin America and has enjoyed sustained economic growth and development. Nevertheless, almost 50 years of continuous conflict and the existence of powerful drug cartels represent a considerable challenge to governance and the respect of human rights. There has been an acute impact on the security of the population and the overall humanitarian situation. In this context, children remain among the most vulnerable sectors of the population.

4. According to the United Nations Office on Drugs and Crime, 60 per cent of global cocaine production originates in Colombia. The presence of illegal armed groups and criminal gangs is more prominent in areas with coca cultivation and in strategic corridors used for the commercialization of drugs. Children are often directly affected, being exploited in the cultivation of coca as "raspachines" (coca harvesters). Often, such cases are not reported to the authorities by the communities.

5. The Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP), which has existed since the 1960s, is the largest and oldest guerrilla force in Colombia. Successive peace initiatives have been undertaken by the Government of Colombia, including the recognition of a FARC-EP inspired political party in 1984 and the establishment of a "negotiated peace process" from 1998 to 2002. From 1999 to 2005, the Secretary-General provided his good offices, and, upon their termination, the Secretary-General stated his willingness to consider resuming an active good offices role in the future, should the parties so request. In 2008, military successes against FARC-EP, a significant number of individual demobilizations and the death of several members of its Central Command Structure, including its leader and founder, had a severe impact on the military structure of FARC-EP.

6. The Ejército de Liberación Nacional (ELN) is the second largest guerrilla group. Direct peace talks with the Government were initiated in 2000. In 2005, the Government and ELN agreed on formal exploratory meetings. In 2006 and 2007, several meetings were held; however, no progress was registered in 2008.

7. Successive Colombian Governments have negotiated ceasefires and processes for the demobilization of several illegal armed groups. These include the Movimiento 19 de Abril, the Ejército Popular de Liberación, the Movimiento Armado Quintín Lame, the Partido Revolucionario de Trabajadores, the Corriente de Renovación Socialista and the Ejército Revolucionario Guevarista.

8. Violence and conflict have originated from the activities of the local self-defence vigilante groups formed to protect landowners from guerrilla attacks. In this context, such illegal armed groups continued to operate and expand throughout the country in the 1990s. In 1997, most of the groups merged into the Autodefensas Unidas de Colombia (AUC). The demobilization process of AUC took place from 2003 to 2006, leading to the demobilization of almost 32,000 people.

9. Within the context of a transitional justice process, the Justice and Peace Law (Law 975) was adopted in 2005 to regulate the procedures to be followed with demobilized members of illegal armed groups. Its implementation grants judicial benefits as an incentive provided that members of the groups acknowledge their participation in serious crimes. The law also provides for reparations to victims. The Law has been the subject of controversy concerning its effectiveness in combating impunity. Subsequent decisions of the Constitutional Court have revised several provisions of the Law to bring it more in line with relevant international standards of transitional justice.

10. Following the demobilization of AUC, and despite the considerable efforts made by the Government to reintegrate former combatants, a number of new illegal armed groups have emerged. The Government considers those groups as criminal gangs which are largely involved in illegal activities. The ranks of those groups include former members of paramilitary organizations, including children. The Organization of American States Mission to Support the Peace Process in Colombia estimates that at least 14 per cent of all Colombia's municipalities are currently affected by the presence of such groups. According to the Colombian National Police, as at December 2008, at least 16 such groups, with an estimated 2,000 members, were operating in 17 of the 32 departments of the country.

11. The groups are not homogeneous in terms of their motivation, structure or modus operandi. While many are dedicated only to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations, and they have a political and ideological orientation similar to the former AUC.

12. Despite the Government's efforts to strengthen security and the rule of law, conflict has had severe consequences on the human rights situation of the civilian population. Grave violations against children have been attributed to all parties, but mainly to illegal armed groups. Those groups continue to recruit children and commit crimes of sexual violence against women and girls, kill civilians, plant anti-personnel mines and carry out abductions. Violations by individual officials of the Colombian armed forces have also been reported, in clear contravention of Government policy.

13. The forced displacement of populations in Colombia is a major consequence of the high levels of violence. Causal factors include armed confrontations, murders, massacres and threats, the presence of anti-personnel mines, the recruitment of

children, sexual violence and denial of access to humanitarian and other supplies. Forced displacement has disproportionately affected certain population groups, including women and children. The Colombian Constitutional Court has noted that various sources indicate that up to 50 per cent of all displaced persons are under the age of 18.

14. My Representative on the human rights of internally displaced persons has indicated that the situation in Colombia is one of the most serious, with the country having the second largest population of internally displaced persons in the world. According to the Presidential Senior Adviser for Social Action of Colombia, from 1997 to December 2008, 2,935,832 persons were internally displaced, more than 1 million of them children. In 2008 alone, 243,343 persons were registered as internally displaced, approximately 30 per cent of whom were children. Significantly higher estimates are cited by non-governmental sources. It should be noted that this issue is a high priority for the Government of Colombia, and significant efforts have been undertaken to address the situation of forced displacement.

III. Grave violations of children's rights

A. Recruitment and use of children

15. In 1991, when Colombia ratified the Convention on the Rights of the Child, the Government entered a reservation on article 38 (which establishes the minimum age of recruitment into the armed forces at 15), since according to Colombian law, the minimum age of recruitment by the armed forces was already 18, except for voluntary recruitment. In 1999, the Government of Colombia prohibited, without exception, the recruitment of children under 18, three years before it ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

16. However, the recruitment and use of children by illegal armed groups is widespread and remains a serious concern. In 2006, the Committee on the Rights of the Child expressed its concern about the large-scale of recruitment of children by illegal armed groups for purposes of combat and sexual enslavement. In October 2008, the Colombian Constitutional Court also stated that the recruitment of children was undertaken extensively, systematically and habitually by illegal armed groups in Colombia and that the true magnitude and scale of the territorial extension of the recruitment had not been brought to light. Estimates of the number of children participating in illegal armed groups range from 8,000, according to the Ministry of Defence, to 11,000 according to non-governmental sources. The Attorney-General's Office is investigating 25 cases of child recruitment that took place in 2008. A study undertaken by the Office of the Human Rights Ombudsman of Colombia and the United Nations Children's Fund (UNICEF) noted that the average age of recruitment had decreased from 13.8 years in 2002 to 12.8 years in 2006.

17. In 1999, FARC-EP made a commitment to my Special Representative for Children and Armed Conflict that it would not recruit children under 15 years of age. However, FARC-EP continues to recruit children, including girls. Reports received confirm the recruitment of children in 13 departments, namely Antioquia, Arauca, Bolívar, Caquetá, Cauca, Chocó, Guaviare, Nariño, Putumayo, Sucre,

Tolima, Valle del Cauca and Vaupés. For example, in January 2008, a 16-year-old child was recruited by FARC-EP in Tame, department of Arauca; and in May 2008, a group of 40 members of FARC-EP, half of them children between 13 and 17 years of age, were witnessed in the department of Cauca. In another case, a 16-year-old boy, who was recruited at the age of 12 by FARC-EP, was received by the Colombian Institute of Family Welfare in the department of Antioquia.

18. Children from particularly vulnerable groups, among them indigenous populations, are highly exposed to recruitment by FARC-EP, as confirmed in the departments of Cauca, Chocó and Nariño. In February 2008, FARC-EP recruited two 15-year-old indigenous girls in Toribío, department of Cauca. In March 2008, another 15-year-old indigenous girl was recruited by FARC-EP in the rural area of Pasto, department of Nariño.

19. Child recruitment campaigns by FARC-EP are known to have taken place in schools. Reports confirmed that in September 2008, FARC-EP forced their way into a school in the department of Cauca where 800 students were studying, and encouraged the children to join the group.

20. In July 1998, the Ejército de Liberación Nacional (ELN) signed an agreement with civil society representatives and members of the National Peace Council, in Mainz, Germany, in which ELN committed not to recruit children under the age of 16. Nonetheless, ELN has continued the recruitment of children. During the reporting period, confirmed reports indicate that ELN recruited children in the departments of Arauca, Cauca, Nariño and Norte de Santander. In August 2008, seven children who had been members of the group surrendered to the Army in Cumbal, Nariño.

21. ELN continues to carry out child recruitment campaigns in schools. In February 2008, ELN carried out such a campaign in a school in the department of Cauca. The school had apparently received financing from ELN in exchange for permission to deliver military training on the premises.

22. Confirmed reports indicate that illegal armed groups, such as Autodefensas Campesinas Nueva Generación, Aguilas Negras or Ejército Revolucionario Popular Antiterroista de Colombia, which emerged after the demobilization of AUC, are also recruiting children. For example, in March 2008, the recruitment of children by the Autodefensas Campesinas Nueva Generación in the department of Nariño was confirmed. In addition, children separated from AUC have been contacted by former AUC colleagues who offered them money and coerced them into joining other illegal armed groups.

23. In 2006, the Committee on the Rights of the Child expressed its concern regarding the use of children for intelligence purposes by the national armed forces. The Ministry of Defence has issued three directives prohibiting all members of the national armed forces from using children for intelligence purposes; however, some incidents continue to be documented. In February 2008, it was reported that the National Police had used a 12-year-old boy as an informant in the department of Valle del Cauca. Later, the boy received death threats from FARC-EP and was eventually killed by an unidentified assailant in December 2008.

24. Another issue of concern raised by the Committee is the interrogation by the military of children captured from or released by illegal armed groups and delays in handing them over to civilian authorities. By law, such children should be handed

over to civilian authorities within 36 hours after the separation of a child from the group. In March 2008, a child separated from FARC-EP was held at a military installation for five days, during which time he was interrogated on his activities in the armed group.

25. By its directive 500-2, issued in 2005, the Ministry of Defence established a mandate to develop strategies to prevent child recruitment by the national armed forces. However, there is a concern that those prevention activities, when undertaken in conflict-affected areas, may put children at risk and expose them to subsequent retaliation by members of illegal armed groups. The Head of the Public Ministry and the Committee on the Rights of the Child have recommended that the national army refrain from involving children in civic-military activities, such as study visits to military bases or military events at schools, as such involvement compromises the humanitarian law principle of distinction of the civilian population and places the children at risk of retaliation by members of illegal armed groups. During the reporting period, civic-military activities with children were undertaken by the Armed Forces in the departments of Antioquia, Cauca and Chocó.

26. As indicated in my report on children and armed conflict of 21 December 2007 (A/62/609-S/2007/757) and as recognized by the Colombian Constitutional Court, the recruitment of children and internal displacement are closely linked, as displacement often becomes the only alternative for families in certain areas to avoid the recruitment of their children by illegal armed groups. In 2008, there were consistent reports that threats of child recruitment caused the displacement of local populations in at least five departments, namely, Arauca, Nariño, Norte de Santander, Putumayo and Valle del Cauca. For example, in May 2008 in the department of Nariño, ELN entered a house to recruit a 16-year-old boy who managed to hide from the group. However, the family was forced to move the next day to avoid the recruitment of their child.

B. Killing and maiming of children

27. The killing and maiming of children remains a serious concern, but the determination of which deaths of or injuries to children are perpetrated by armed groups often presents a challenge. Out of the 819 cases of deaths of children reported by the Observatory of the Presidential Human Rights and International Humanitarian Law Programme in 2008, the perpetrators remained unidentified in 704 instances.

28. Cases of children killed by FARC-EP were reported in the departments of Antioquia, Guaviare, Huila, Meta, Nariño, Putumayo and Valle del Cauca. In April 2008, a 14-year-old girl was killed in the department of Antioquia, allegedly owing to her relationship with a member of the national armed forces. The girl was brutally tortured, with one of her hands cut off and one of her eyes gouged out before she was killed. ELN has also been responsible for the deaths of children, and three cases were confirmed in the departments of Arauca and Nariño. In December 2008, five persons, including a 15-year-old girl, were killed in Arauquita, department of Arauca.

29. There have also been cases of children being killed for refusing to join the illegal armed groups. In January 2008, FARC-EP attempted to recruit two brothers, aged 13 and 15, in the department of Putumayo. Upon their refusal to join the group, the guerrillas killed one boy by dousing him with gasoline and shooting him. The second boy was recruited against his will.

30. Indiscriminate attacks conducted by illegal armed groups against the civilian population have also affected children. In August 2008, FARC-EP set off an explosive device in the municipality of Ituango, department of Antioquia. As a result, 8 people were killed, among them 2 boys, and 52 were injured, including 10 children.

31. The deaths of children in combat continue to be reported. In March 2008, in the department of Norte de Santander, four children between the ages of 13 and 17 in the ranks of ELN were killed in combat.

32. Children have also been victims of crossfire between the national army and illegal armed groups. In August 2008, a five-year-old child was killed in a skirmish between the national army and FARC-EP inside a house in the municipality of San Pedro, department of Valle del Cauca. In September 2008, a one-year-old girl lost an eye as a consequence of being caught in a military action between the national army and FARC-EP in the department of Arauca.

33. Anti-personnel mines and unexploded ordnance have had serious consequences on the civilian population, including children. According to the Landmine Monitor Report of 2007, the number of casualties resulting from explosive remnants of war in Colombia was the highest in the world from 2005 to 2007. The Presidential Programme for Integrated Mine Action reports a cumulative total of 7,515 victims from 1990 to 2008, including 722 children. According to the same source, in 2008, 14 children (4 girls and 10 boys) were killed and 32 (5 girls and 27 boys) were wounded by such devices. In January, in the municipality of Palmira, department of Valle del Cauca, a woman and her 9-month-old daughter died when they stepped on an anti-personnel mine. The woman was five months pregnant. In June, in the municipality of Samaniego, department of Nariño, three boys aged 12, 14 and 16 died when they accidentally activated an anti-personnel mine. In July, in the department of Bolivar, three children were seriously injured, including a 9-year-old girl, who lost her leg.

34. In 2008, the magnitude of the problem of extrajudicial killings became publicly evident. According to the Attorney-General's Office, as of November 2008, among the 50 cases of extrajudicial executions under investigation that involve children, there are 51 child victims. Three of those cases took place in 2008, and additional information on presumed extrajudicial executions of two children was received in the departments of Antioquia and Norte de Santander. The case of the municipality of Soacha, which has been especially well-publicized, involved 11 persons, including a child, who disappeared near Bogota in January 2008. Their bodies were later displayed by the national army as unidentified members of illegal armed groups killed in combat in the department of Norte de Santander a few days after their disappearance.

35. Documentation suggests the existence of networks pretending to offer employment to victims in distant places where they are executed and presented as killed in combat. In October 2008, a transitional commission was established to carry out an administrative investigation and to analyse the problem of extrajudicial executions. As a result, the President decided to separate 27 national army officers from service. In addition, in order to reinforce the announced zero tolerance policy for human rights violations, the Ministry of Defence made public in November 2008 several measures to eliminate that practice.

C. Grave sexual violence against children

36. Sexual violence against children, particularly girls, remains vastly underreported in Colombia, as many victims fail to report abuses fearing retaliation or owing to a lack of confidence in State institutions. The Colombian Constitutional Court issued its order 092 in April 2008 as a follow-up to its judgement T-025, indicating that "sexual violence as well as the exploitation and sexual abuse is a habitual, extended, systematic and invisible practice in the context of the armed conflict perpetrated by the illegal armed groups, and in isolated cases, by individual agents of the national armed forces". The Court also indicated that in cases of sexual violence in the context of the conflict, "children account for an exceedingly high proportion of the total cases of known victims". Furthermore, the Court ordered the Attorney-General's Office to pursue investigations in 183 specific cases of sexual violence against women and girls. In addition, in 2008 the Office of the Human Rights Ombudsman released a special report on sexual violence in the context of the conflict, noting that there is "serious impact on the sexual and reproductive rights of the displaced population, particularly for women and children, the main victims of displacement".

37. There is no systemic information as to the number of cases of sexual violence against children perpetrated by illegal armed groups. In April 2008, two girls and a boy between the ages of 11 and 14 were recruited by FARC-EP. One of the girls was allegedly raped by members of the group. The other girl was returned to her family with the indication that she would be recruited once she turned 12 years old; as a result, the mother was forcibly displaced together with her other five children.

38. Girl members of the illegal armed groups are subjected to grave sexual violence. They are required to have sexual relations with adults at an early age and are forced to abort if they become pregnant. They are also forced to use methods of contraception that are often inadequate and harmful to their health. Of the girls interviewed for the study mentioned in paragraph 36, 31.2 per cent asserted that they had become pregnant and lost the foetus while with the illegal armed group. Of those adolescents, 40 per cent stated that they had been between 11 and 14 years of age when they became pregnant.

39. According to information provided by the Instituto Nacional de Medicina Legal y Ciencias Forenses, 5 girls and 3 boys were the victims of sexual violence allegedly perpetrated by the national military forces, and 18 girls and 1 boy were allegedly victimized by the national police during the reporting period. Information has also been gathered on a case in which two soldiers allegedly raped a woman and her 13-year-old niece in the department of Antioquia in November 2008.

D. Abduction of children

40. According to the Observatory of the Presidential Human Rights and International Humanitarian Law Programme, 75 children were abducted in 2008. Between 1996 and 2008, 287 children were documented as being held in captivity, 55 of them by illegal armed groups. Of those 55 children, 29 are being held by FARC-EP, 9 by ELN and the remainder by other groups. In addition, in the period from 2000 to 2007, there were 90 cases of children who were reported to have been abducted by AUC. The whereabouts of 16 of those children was still unknown as of

January 2008. According to official statistics, the number of child abduction cases decreased in 2008 compared with previous years; however, it is important to note that this type of violation also remains underreported.

41. In July 2008, 18 people, including 2 boys aged 1 and 5 years, were abducted by FARC-EP in the department of Chocó. In November 2008, FARC-EP attempted to abduct a 3-year-old girl and, in the department of Antioquia, threatened 15 families with death for collaborating with the national army, resulting in those families being forcibly displaced.

42. Children also continue to be victims of enforced disappearances. Since 2006, the Attorney-General's Office located in clandestine graves the bodies of 109 children, mainly victims of paramilitary groups. In addition, the Attorney-General's Office is investigating 1,636 cases of children who have disappeared since 2000, 187 of which took place in 2008.

E. Attacks on schools

43. Attacks on schools by illegal armed groups, which are frequent in various locations in Colombia, have a severe impact on the physical well-being and education of children. However, there is no systematic information as to the number of schools that have been attacked or occupied.

44. At times, schools may be attacked by illegal armed groups in retaliation for a previous occupation by the Colombian armed forces. For example, in June 2008, FARC-EP launched explosives into a school in the municipality of Puerto Asís in the department of Putumayo, damaging the school. In the days prior to the attack, members of the national army had camped in the school premises.

45. Anti-personnel mines and explosive ordnance, which are often left behind in and around schools, continue to put children at risk. According to the information provided by the Presidential Programme for Integrated Mine Action, six accidents involving anti-personnel mines and unexploded ordnance took place near schools during the reporting period. In March 2008, anti-personnel mines that had been placed near a school in the municipality of San Luis, department of Antioquia, detonated and destroyed the school building.

46. Teachers are also targeted by illegal armed groups. According to the Colombian Federation of Teachers, 15 educators were killed in 2008. In June 2008, four teachers accused of being informants were kidnapped and subsequently killed by FARC-EP in the department of Nariño. This led to the cancellation of classes, affecting 500 children. In July 2008, in the department of Cauca, a teacher and several students were threatened for allegedly being informants for the national army.

47. Several cases of occupation of schools by the national armed forces were confirmed during 2008. For example, one school in the municipality of Montaña, in the department of Caquetá, was occupied by members of the national army in June. Days later, a confrontation between the national army and FARC-EP caused serious damage to the same school. In the municipality of Tulúa, Valle del Cauca, the national army occupied three schools within the municipality.

F. Denial of humanitarian access for children

48. Restrictions of humanitarian access owing to the actions of parties to the conflict jeopardize the delivery of humanitarian assistance, thus affecting children. The presence of anti-personnel mines and unexploded ordnance seriously hampers not only the movement of populations but also the access of humanitarian actors to those populations. For example, in February 2008, in the municipality of Samaniego, department of Nariño, the movement of 3,000 persons from various communities was reported to have been restricted owing to anti-personnel mines planted by ELN. The population, including children, faced severe food shortages, and local schools were forced to close. Demining activities were undertaken by the national armed forces in several communities, but fear among the population of being targeted by illegal armed groups led to the displacement of at least 151 people, 69 of whom were children, according to local authorities.

49. Attacks against humanitarian personnel also took place during the reporting period. According to the International Committee of the Red Cross, attacks on medical missions increased from 23 cases in 2007 to 35 cases in 2008. In December 2008, a vehicle of the Colombian Institute of Family Welfare was targeted by FARC-EP in Campo Hermoso, department of Caquetá, resulting in the death of two civil servants and injury to three other persons.

50. Clashes between illegal armed groups and the national armed forces also restrict humanitarian access and the supply of essential goods. For example, in July 2008, in the municipality of Alto Baudó, department of Chocó, humanitarian access to 4,000 indigenous persons was hampered owing to armed confrontations between the national army and FARC-EP. In the first quarter of 2008, there were reports that 10 children in the municipality of Bagadó, department of Chocó, had died owing to the crisis aggravated by food shortages resulting from constant clashes between illegal armed groups and the national army.

51. Information was also received on access restrictions imposed by the national armed forces to certain villages or municipalities, including for the movement of persons and goods, such as food, medicine and fuel, as part of a strategy to combat illegal armed groups. For example, since January 2008, the national armed forces have limited the passage of essential goods to various villages in the municipality of El Dovio, department of Valle del Cauca. Similar restrictions were confirmed by the Office of the Human Rights Ombudsman in the department of Vaupés in May 2008.

IV. Measures undertaken by national authorities to address violations against children

52. Colombia has ratified: the Convention on the Rights of the Child and its two Optional Protocols; International Labour Organization Conventions 138 and 182 on the minimum age for employment and combating the worst forms of child labour; the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime; the Geneva Conventions of 1949 and their Additional Protocols of 1977; and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention). Colombia has also signed the Principles and

Guidelines on Children Associated with Armed Forces or Armed Groups and has incorporated the Guiding Principles on Internal Displacement into its Constitution.

53. Colombia also ratified the Rome Statute of the International Criminal Court, adopting the transitional provision under which, for a period of seven years after its entry into force for Colombia, the jurisdiction of the Court will not apply in respect to war crimes, including child recruitment. The transitional provision ends in November 2009.

54. At the national level, the Colombian Constitution recognizes the priority of children's rights. The new Code (Law) on Children and Adolescents, which entered into force in May 2007, represents a significant advance, as it embraces the principles of the Convention on the Rights of the Child and defines responsibilities for the protection of children at both the national and local levels.

55. The Government has established a robust public policy framework for the inclusion of child rights in municipal and departmental development plans, including in the area of protection. To guarantee the integrated protection of children, the National System for Family Welfare was created, bringing together all the governmental institutions with responsibilities related to children and families, coordinated by the Colombian Institute of Family Welfare. In addition, the Public Ministry has assumed a key role in making visible the impact of conflict on children's rights.

56. In the context of the responsibilities that the new Code on Children and Adolescents assigns to local government, in 2008, Governors from across the country, at their sixth Summit on the theme "Facts and rights, municipalities and departments or children" and focused on child protection issues, including child recruitment, anti-personnel mines and unexploded ordnance, and child displacement. At the summit, Governors committed themselves to developing strategies and allocating funds to address those concerns.

57. The Office of the Human Rights Ombudsman has developed an early warning system, which monitors and flags imminent risks of violations of human rights against civilian populations, including children. Once the Office of the Ombudsman issues a risk report, an inter-institutional committee, led by the Ministry of the Interior and Justice and comprising the vice-presidency, the Ministry of Defence, the Ministry of the Interior and Justice, the national army and the national police, assesses the necessity of issuing an early warning and defines actions that different institutions must undertake to prevent such violations. In 2008, the early warning system identified 71 risk situations in 145 municipalities of the country, 66 per cent of which were related to child recruitment. However, not all risk reports lead to an early warning. According to the Office of the Ombudsman, out of the 71 risk situations identified, the inter-institutional committee ordered concrete action to prevent violations in 50 per cent of the cases. In cases where no early warning is issued, the Committee makes recommendations for specific measures to be undertaken by relevant authorities.

58. As a preventive measure, the national armed forces are planning, with the support of the United Nations, capacity-building activities on children's rights, particularly on the six grave violations against children.

59. Positive efforts have been undertaken, such as the formation of a Special Investigative Unit for Women, Adolescents and Children, within the Attorney-General's Office. According to information provided by the Government, as of

December 2008 the special unit had conducted investigations in 141 cases involving 634 child victims, 485 boys and 149 girls. Three guilty verdicts had been handed down as of December 2008.

60. Within the framework of the Justice and Peace Law, 2,133 child victims have been identified, including 111 homicides, 20 enforced disappearances, 2 cases of sexual violence, 7 kidnappings, and 1,320 displacements. Out of the 3,284 former members of AUC who currently participate voluntarily in the depositions provided for by that Law, 23 so far have confessed the recruitment and use of a total of 654 children within their ranks, and the Attorney-General's Office is verifying 366 additional cases. However, less than 400 children were handed over in the collective demobilizations of AUC. As the handing over of children was an indispensable requirement for accessing benefits of this Law, it is important that the national authorities investigate whether the former commanders of AUC have fulfilled this requirement.

61. Despite those positive advances, impunity for grave violations against children, as well as obtaining consolidated information and following-up on convictions and proceedings, remain major challenges in Colombia.

62. A solid legal and institutional framework has been developed to provide assistance to the internally displaced population, bringing together numerous institutions under a national system for their protection and assistance. While significant budgetary allotments have been made, amounting to nearly $500 million in 2008, only 0.11 per cent of those resources are directed specifically to prevention programmes. In addition, there are also significant gaps between public policies adopted at the central level and their effective implementation at the local level.

63. The Government has made advances in the design and implementation of specific programmes to guarantee the effective fulfilment of the rights of internally displaced children to education, health and food, an initiative undertaken by the Ministry of Education, the Ministry for Social Protection and the Colombian Family Welfare Institute. However, a more comprehensive and coordinated approach is still required in this regard.

64. In October 2008, the Colombian Constitutional Court issued its Order 251 to follow up on its judgement T-025 regarding the protection of the fundamental rights of displaced children. In response, the Government is currently implementing 15 pilot projects for the prevention of child displacement and the provision of assistance to those who are displaced, which will constitute the basis for the formulation of a National Programme on Differential Protection of Forcibly Displaced Children and Adolescents.

A. Prevention of child recruitment and reintegration of children separated from illegal armed groups

65. In December 2007, responding to the magnitude of the problem of child recruitment, the Government created the Inter-sectorial Commission for the prevention of recruitment and the use of children by illegal armed groups, which is

chaired personally by the Vice-President.[1] The Commission has an important role in coordinating the actions of 10 governmental institutions, each of which has responsibilities in the prevention of recruitment. In 2008, the Commission provided technical support to authorities and communities in 50 municipalities in 26 departments. As a result, 40 municipalities and 2 departments have adopted specific action plans to prevent child recruitment.

66. The Government has gradually improved its capacity to prevent and respond to the issue of child recruitment. In 1999, the Colombian Institute of Family Welfare began a programme to assist children separated from illegal armed groups, providing specialized care through three modes of intervention: institutional, socio-familiar, and the protection network system. The programme has reduced the number of children assisted in institutions to 52 per cent as of December 2008 from 62 per cent in November 2006. The programme has also developed actions for the prevention of child recruitment. The programme is voluntary and covers all requests for assistance. Some children who separate from illegal armed groups, however, are not aware of their rights to benefit from the programme.

67. By December 2008, the programme had assisted 3,876 children separated from illegal armed groups, of whom 2,146 had been separated from FARC-EP, 1,042 from AUC, 538 from ELN and 150 from other groups. Of that number, 73 per cent were boys and 27 per cent were girls.

68. During the reporting period, information from the Colombian Institute of Family Welfare indicated that a total of 314 children had been separated from FARC-EP, 65 from ELN and 13 from the Ejército Revolucionario Guevarista. In addition, 23 children had been separated from other groups, including the Autodefensas Campesinas Nueva Generación, Aguilas Negras, ERPAC and Rastrojos. In August 2008 in Chocó, the Ejército Revolucionario Guevarista handed over 7 children to the Colombian Institute of Family Welfare. The number of children separated from illegal armed groups was greater in 2008 than in 2007 and 2006.

69. After the demobilization of AUC, the Colombian Institute of Family Welfare, with the support of UNICEF, contributed to identifying and assisting children separated from AUC. As noted previously, however, it is believed that many children separated from AUC have not gone through any formal process of reintegration.

70. Under the Justice and Peace Law, the release and handover of children was a prerequisite for accessing benefits. According to the Colombian High Commissioner for Peace, 391 children were handed over in the process of collective demobilizations of AUC. A total of 32,000 adults were demobilized from AUC, and some estimates by child protection actors suggest that approximately 20 per cent of the total number of AUC combatants were under the age of 18. Thus, the number of children formally handed over is considered to be relatively low. There is credible information that a considerable number of children were not handed over by their

[1] Decree 4690, 2007. The Commission is chaired by the Vice-presidency, and includes the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Interior and Justice, the Ministry of Social Protection, the Ministry of Education, the Senior Counsellor for Social Integration, the Senior Counsellor for Social Action, the Colombian Institute of Family Welfare and the Presidential programme Colombia Joven, which serves as the technical secretariat.

commanders and therefore have not gone through a formal process of demobilization. An additional 648 children from AUC were demobilized on an individual basis from 1999 to 2008.

71. The Colombian Institute of Family Welfare also assists children from the groups that emerged after the demobilization of AUC. However, as the Government considers those groups to be criminal gangs, the children from those groups cannot access the measures of integrated reparation available for children separated from guerrilla groups or from AUC. The Ministry of the Interior and Justice has stipulated that such children are entitled to administrative compensation as a measure of reparations for victims of violence.

72. According to the established legal framework, children associated with illegal armed groups are considered to be victims. Nevertheless, they can also be regarded as perpetrators of crimes. Prosecutors can apply the principle of discretion that is contemplated in the new Code on Children and Adolescents to bring to an end criminal proceedings against those children. However, there is no obligation to apply such a principle.

B. Sexual violence

73. Despite advances such as Law 1257 on Violence against Women, legislation on sexual violence against children still requires strengthening in order to address the issues of prevention, protection and assistance to victims. Criminal legislation on sexual violence includes forced pregnancy and forced sterilization as acts of genocide, but not as independent crimes. In addition, further effort is required to ensure that internationally agreed standards regarding confidentiality, evidence and protection of victims of sexual violence are observed.

74. The Government has developed specific programmes, such as the National Plan for the Eradication of Sexual Exploitation and the "Haz Paz" programme of the Colombian Institute of Family Welfare and has recently put in place an inter-institutional committee for the purpose of preventing sexual violence and drawing attention to child victims of sexual abuse. Further action is needed, however, to increase coordination among entities with responsibilities in this regard and to ensure an appropriate approach designed specifically for child victims of sexual violence in the context of conflict.

75. In addition, in compliance with Order 092 of the Constitutional Court, the Government has completed the design of a programme for the prevention of sexual violence against displaced women and girls and the provision of assistance to victims of gender-based violence.

C. Integrated mine action

76. The Government has also established an institutional framework through the National Inter-sectorial Commission and the Presidential Programme for Integrated Mine Action. The programme assigns responsibilities and funding to different State entities to carry out demining programmes.

77. Only the national armed forces are authorized to carry out demining activities. To date, the focus has been on clearing the 34 areas mined by the national armed

forces prior to the ratification of the Ottawa Convention. As of December 2008, 19 minefields had been cleared. Additionally, the Presidential Programme determines the priorities for humanitarian emergency demining of areas required for community use. However, according to the Presidential Programme for Integrated Mine Action, no more than five areas for community use have been demined since 2007, three of which were cleared during reporting period.

78. Civilian casualties remain underreported. The International Committee of the Red Cross estimates that in some areas they could be 30 per cent higher than recorded. The 2008 report of the Government on the progress made in compliance with the Ottawa Convention acknowledged that survivors of detonations of mines and unexploded ordnance, including children, have limited access to specialized assistance and that they lack awareness of their rights. While the institutional capacity to manage health and other services is good in the main urban centres, there are serious deficiencies, especially in rural areas, where the majority of the accidents take place. Some specialized non-governmental organizations and international organizations contribute to filling the gaps in the provision of services.

79. Mine-risk education activities are still conducted largely by State institutions and non-governmental organizations on an ad hoc basis. Attempts to coordinate efforts and to standardize approaches are under way. Authorities emphasize the training of community education agents through special courses endorsed by the Presidential Programme, which are implemented by the National Learning Service (Servicio Nacional de Aprendizaje). There remain vast areas of the country which have not received basic information on protection from the risk of landmines.

D. Integrated reparation to children

80. In recent years, the Colombian State has taken positive steps towards the provision of reparation for victims. The implementation of reparation measures is especially challenging as it is taking place in the context of continued violence. The Justice and Peace Law established related provisions and created the National Commission for Reparation and Reconciliation with an 8-year mandate. While the Commission has a designated department for gender and populations, the specific focus on children needs to be strengthened in all units of the Commission.

81. Given that judicial reparations had not been as efficient as anticipated, in April 2008 the Government issued Decree 1290, which established reparation of victims through an administrative process. The Decree focuses principally on compensation as a reparation measure, but it covers neither violations that occurred following its adoption nor victims of State agents. Other mechanisms are therefore required to ensure that benefits are made available to all victims, including children, without discrimination. Similar concerns arose regarding a draft law known as "the Statute of Victims", which is currently under consideration in Congress. The draft law has a specific chapter that concentrates on measures favouring children who are the victims of forced displacement, anti-personnel mines and recruitment, or who are orphans. It is imperative, however, that all child victims of any violation have access to reparation. Children should also have appropriate opportunities to participate in the design of programmes and, among other measures, wide awareness-raising campaigns should be implemented to encourage all child victims to access reparation programmes.

V. Recommendations

82. **All parties are called upon to abide by applicable international law and to comply as a matter of priority with the resolutions of the Security Council on children and armed conflict and to halt the grave violations against children for which they have been cited. The Government of Colombia is also called upon to comply with the recommendations of the Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Human Rights, as well as the recommendations made by States within the Universal Periodic Review and recommendations made by the special procedures established by the Human Rights Council, as they relate to children affected by armed conflict.**

83. **The continued recruitment and use of children by illegal armed groups is a critical concern, and the parties are called upon to comply with no further delay with international law and the provisions of Security Council resolutions on children and armed conflict and to prepare and implement action plans to ensure that no children are recruited and that all children associated with armed forces or groups in any capacity are immediately identified and released. All parties should also make and implement specific commitments and prepare action plans, as appropriate, to address other grave violations for which they have been cited.**

84. **I commend the efforts of the Government to address the recruitment and use of children by illegal armed groups, and the authorities are urged to continue efforts to develop a comprehensive national policy for the prevention of child recruitment and also to strengthen community-based reintegration and family reunification programmes.**

85. **The Government is urged to ensure that the national armed forces comply fully with the prohibitions against the use of children for military intelligence purposes and the interrogation of children who have been separated from illegal armed groups. Such children should be handed over to the civilian authorities as soon as possible after their separation and within the time limit stipulated under law.**

86. **Illegal armed groups are urged to stop the use of anti-personnel mines, which cause the death and maiming of significant numbers of children.**

87. **I am deeply concerned at the continued rape and other forms of sexual violence, in particular against girls, that is perpetrated mainly by illegal armed groups. I call upon them to make commitments and prepare and implement action plans to prevent such violence. The Government is urged to place emphasis on the investigation and prosecution of perpetrators and to strengthen prevention and response strategies.**

88. **I am concerned at the attacks against and occupation of schools by parties to the conflict and call upon them to cease such actions and to facilitate unhindered and safe access for child protection and humanitarian personnel.**

89. **The Government is urged, in the context of national legislation, including the Justice and Peace Law, to further enhance efforts to combat impunity for grave violations committed against children. This measure should include the timely, rigorous and systematic investigation and prosecution of all such crimes**

and the sharing of information on follow-up of cases. I also encourage the effective protection of child witnesses and victims and provision of reparations, as appropriate.

90. **The cases of extrajudicial executions of children are a grave concern, and the Government is called upon to implement, as a matter of priority, measures to eliminate that practice.**

91. **The Government is urged to ensure that humanitarian demining programmes are in line with international standards, that appropriate attention is afforded to child victims, and that mine-risk education programmes are in place.**

92. **I am concerned at the linkages among child recruitment, sexual violence, the presence of landmines and the problem of internal displacement in Colombia which affect larger numbers of children. The Government is urged to ensure a more comprehensive approach for the provision of assistance and the implementation of programmes for the prevention of child displacement, with particular emphasis on its causes.**

93. **The Government is also urged to consider curtailing the involvement of children in civil-military activities that may place them at risk of retaliation by illegal armed groups.**

94. **Recognizing that the protection of children is best served by peace, all parties are called upon to strive for a peaceful resolution of the conflict and, in the context of any future negotiations with illegal armed groups, the Government is urged to include specific provisions for the protection of children in consequent agreements, including the unconditional release of all children.**

95. **The donor community is invited to provide additional support to national programmes and initiatives that enhance the protection of children and also to support the initiatives of United Nations agencies and non-governmental organizations, including for more effective monitoring and advocacy, and other child protection programmes.**